

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

SALT LIFE, LLC

Plaintiff,

v.

Civil Action No.:

CHAD NUTSCH dba
LAKE LIFE and GOT LAKE LIFE

Defendant.

COMPLAINT

Plaintiff Salt Life, LLC (Salt Life) respectfully alleges the following against Defendant Chad Nutsch dba Lake Life and Got Lake Life:

The Parties

1. Salt Life is a corporation formed under the laws of Georgia with a principal place of business at 24 12th Street, Columbus, GA, 31901.
2. Upon information and belief, Defendant Chad Nutsch is a resident of Knightdale, North Carolina.

Jurisdiction


3. This action arises under the Trademark Laws of the United States, 15 U.S.C. § 1051, *et seq.*, and the Copyright Laws of the United States, 17 U.S.C. § 101, *et seq.*, with subject matter jurisdiction based on 15 U.S.C. §§ 1121 and 1125 and 28 U.S.C. §§ 1331, 1338, and 1367, as hereinafter more fully appears.
4. Upon information and belief, Defendant Chad Nutsch's activities in South Carolina, including his marketing, advertising, product sales, tortuous acts of infringement, unfair

competition, and distribution of goods in South Carolina, confer this Court with personal jurisdiction over Defendant Chad Nutsch pursuant to South Carolina Code §§ 36-2-802 and 36-2-803.


Asserted Trademarks

5. Salt Life is the owner of all rights, title, and interest in over thirty trademarks and service marks that include the formative words SALT LIFE.


6. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,385,601 for the stylized trademark  for use with sun tan lotion, sun screen, after sun gels, and lip balm. The registration certificate for Registration No. 4,385,601 is attached as Exhibit 1, which is incorporated herein in its entirety.

7. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,385,581 for the stylized trademark  for use with sunglasses, eyewear, chains, cords and cases for sunglasses and eyeglasses, smartphone cases, cell phone cases, and mouse pads. The registration certificate for Registration No. 4,385,581 is attached as Exhibit 2, which is incorporated herein in its entirety.

8. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration


Number 3,763,170 for the stylized trademark  for use with jewelry. The registration certificate for Registration No. 3,763,170 is attached as Exhibit 3, which is incorporated herein in its entirety.

9. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration


Number 3,762,960 for the stylized trademark  for use with stickers, caps,

shirts, and surf wear. The registration certificate for Registration No. 3,762,960 is attached as Exhibit 4, which is incorporated herein in its entirety.


10. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,381,321 for the stylized trademark  for use with all-purpose carrying bags, backpacks, beach bags, duffel bags, beach umbrellas, dog collars, dog leashes, umbrellas, luggage, and luggage tags. The registration certificate for Registration No. 4,381,321 is attached as Exhibit 5, which is incorporated herein in its entirety.


11. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,381,322 for the stylized trademark  for use with beach chairs. The registration certificate for Registration No. 4,381,322 is attached as Exhibit 6, which is incorporated herein in its entirety.


12. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,385,571 for the stylized trademark  for use with drinking glasses, insulating sleeve holders for beverage cans and bottles, portable coolers, pet feeding and drinking bowls, and sports bottles sold empty. The registration certificate for Registration No. 4,385,571 is attached as Exhibit 7, which is incorporated herein in its entirety.


13. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,381,323 for the stylized trademark  for use with banners and flags of textile, beach towels, and towels. The registration certificate for Registration No. 4,381,323 is attached as Exhibit 8, which is incorporated herein in its entirety.


14. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,385,592 for the stylized trademark  for use with action skill games and fishing lures. The registration certificate for Registration No. 4,385,592 is attached as Exhibit 9, which is incorporated herein in its entirety.

15. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 3,808,444 for the stylized service mark  for use with restaurant and bar services. The registration certificate for Registration No. 3,808,444 is attached as Exhibit 10, which is incorporated herein in its entirety.

16. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration

Number 4,554,189 for the stylized service mark  for use with online retail store services and retail store services featuring clothing, decals, sports, and outdoor living related merchandise; and social media services, namely, the provision of interactive forums in which users may exchange information, recordings, videos, and photographs about outdoor-related activities. The registration certificate for Registration No. 4,554,189 is attached as Exhibit 11, which is incorporated herein in its entirety.

17. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,338,972 for the trademark SALT LIFE for use with sun tan lotion, drinking glasses, action skill games, fishing lures, and entertainment in the nature of surfing tournaments. The registration certificate for Registration No. 4,338,972 is attached as Exhibit 12, which is incorporated herein in its entirety.

18. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,384,344 for the trademark SALT LIFE for use with metal license plates and metal key rings. The registration certificate for Registration No. 4,384,344 is attached as Exhibit 13, which is incorporated herein in its entirety.

19. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,302,914 for the trademark SALT LIFE for use with sunglasses, eyewear, chains, cords and cases for sunglasses and eyeglasses. The registration certificate for Registration No. 4,302,914 is attached as Exhibit 14, which is incorporated herein in its entirety.

20. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 3,843,123 for the trademark SALT LIFE for use with jewelry and restaurant and bar services. The registration certificate for Registration No. 3,843,123 is attached as Exhibit 15, which is incorporated herein in its entirety.

21. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 3,001,343 for the trademark SALT LIFE for use with stickers. The registration certificate for Registration No. 3,001,343 is attached as Exhibit 16, which is incorporated herein in its entirety.

22. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,172,126 for the trademark SALT LIFE for use with all-purpose carrying bags, backpacks, and beach bags. The registration certificate for Registration No. 4,172,126 is attached as Exhibit 17, which is incorporated herein in its entirety.

23. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,365,102 for the trademark SALT LIFE for use with luggage. The registration

certificate for Registration No. 4,365,102 is attached as Exhibit 18, which is incorporated herein in its entirety.

24. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,301,817 for the trademark SALT LIFE for use with beach chairs. The registration certificate for Registration No. 4,301,817 is attached as Exhibit 19, which is incorporated herein in its entirety.

25. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,246,525 for the trademark SALT LIFE for use with insulating sleeve holders for beverage cans and bottles. The registration certificate for Registration No. 4,246,525 is attached as Exhibit 20, which is incorporated herein in its entirety.

26. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,301,818 for the trademark SALT LIFE for use with banners and flags of textile, beach towels, and towels. The registration certificate for Registration No. 4,301,818 is attached as Exhibit 21, which is incorporated herein in its entirety.

27. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 2,959,429 for the trademark SALT LIFE for use with clothing and apparel, namely, caps, shirts, T-shirts, bathing suits, Bermuda shorts, walking shorts, swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, and surf wear. The registration certificate and declaration of use and incontestability for Registration No. 2,959,429 are attached as Exhibit 22, which is incorporated herein in its entirety.

28. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,324,994 for the trademark SALT LIFE for use with clothing and apparel, namely,

jackets, pants, shoes, and sandals. The registration certificate for Registration No. 4,324,994 is attached as Exhibit 23, which is incorporated herein in its entirety.

29. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,336,373 for the trademark SALT LIFE for use with beach umbrellas, dog collars, dog leashes, duffel bags, umbrellas, and luggage tags. The registration certificate for Registration No. 4,336,373 is attached as Exhibit 24, which is incorporated herein in its entirety.

30. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,627,064 for the trademark SALT LIFE for use with clothing, namely, hats, caps, shirts, T-shirts, shorts, swim trunks, visors, fleece pullovers, sweat shirts, surf wear, jackets, pants, bandanas, sun sleeves, dresses and footwear. The registration certificate for Registration No. 4,627,064 is attached as Exhibit 25, which is incorporated herein in its entirety.

31. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration Number 4,554,190 for the service mark SALT LIFE for use with online retail store services and retail store services featuring clothing, decals, sports and outdoor living related merchandise; and social media services, namely, the provision of interactive forums in which users may exchange information, recordings, videos, and photographs about outdoor-related activities. The registration certificate for Registration No. 4,554,190 is attached as Exhibit 26, which is incorporated herein in its entirety.

32. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration




Number 4,342,555 for the stylized trademark for use with decals. The registration certificate for Registration No. 4,342,555 is attached as Exhibit 27, which is incorporated herein in its entirety.

33. Salt Life is the owner of all rights, title, and interest in U.S. Trademark Registration



Number 4,562,190 for the stylized trademark for use with clothing, namely, shirts, sweat shirts and caps. The registration certificate for Registration No. 4,562,190 is attached as Exhibit 28, which is incorporated herein in its entirety.

34. The preceding trademarks and service marks , SALT LIFE, and



are hereinafter referred to as the Asserted Trademarks.

35. The Asserted Trademarks identify quality goods and services, are recognized by the consuming public, and generate significant goodwill that inures to Salt Life.

First Cause of Action: Federal and Common Law Infringement

36. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

37. Defendant Chad Nutsch operates a website at www.gotlakelife.com.

38. Through his website, Defendant Chad Nutsch markets and sells merchandise such as shirts bearing a depiction of LAKE LIFE; examples of such merchandise are shown below:

41. Defendants' depiction of SALT LIFE in connection with goods associated with the Asserted Trademarks is likely to cause confusion or mistake among consumers as to the source or origin of the goods.

42. Defendants' depiction of SALT LIFE in connection with goods associated with the Asserted Trademarks is likely to cause confusion or mistake among consumers as to an affiliation between Defendants and Salt Life.

43. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks constitutes infringement of one or more of the Asserted Trademarks in violation of 15 U.S.C. § 1114 and the common law.

44. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks was intentional and with knowledge of the Asserted Trademarks.

45. Salt Life has been damaged as a direct and proximate result of Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks.

46. Salt Life will continue to be damaged as a direct and proximate result of Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks unless and until Defendants are enjoined from further depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks.

Second Cause of Action: False Designation of Origin

47. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

48. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks constitutes a false designation of origin in violation of 15 U.S.C. § 1125(a).

49. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks was intentional and with knowledge of the Asserted Trademarks.

50. Salt Life has been damaged as a direct and proximate result of Defendants' false designation of origin associated with the Asserted Trademarks.

51. Salt Life will continue to be damaged as a direct and proximate result of Defendants' false designation of origin associated with the Asserted Trademarks unless and until Defendants are enjoined from further depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks.

Third Cause of Action: Federal and State Law Dilution

52. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

53. The Asserted Trademarks are inherently distinctive and have acquired distinctiveness through the long, continuous, and exclusive use of the Asserted Trademarks.

54. The Asserted Trademarks have been used nationally to promote goods and services to the consuming public since as early as 2003.

55. The owner of the Asserted Trademarks has generated millions of dollars in revenue through the sale of millions of products bearing the Asserted Trademarks to consumers across the U.S. and internationally.

56. The owner of the Asserted Trademarks has invested substantial resources to market the Asserted Trademarks through radio, television, print, and internet advertising channels and the use of brand ambassadors, both nationally and internationally.

57. The owner of the Asserted Trademarks has spent millions of dollars to register the Asserted Trademarks nationally and internationally and to police against counterfeiting and other unauthorized uses of the Asserted Trademarks.

58. The consuming public recognizes the Asserted Trademarks as identifiers of the source and quality of the goods used with the Asserted Trademarks.

59. The Asserted Trademarks are famous and distinctive within the meaning of 15 U.S.C. § 1125(c).

60. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks impairs the distinctiveness of the Asserted Trademarks.

61. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks reduces the goodwill associated with the Asserted Trademarks.

62. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks reduces the consuming public's exclusive association of the Asserted Trademarks with Salt Life.

63. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks is likely to cause dilution by blurring or tarnishment of the Asserted Trademarks under 15 U.S.C. § 1125(c).

64. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks constitutes dilution by blurring or tarnishment of the Asserted Trademarks under S.C. Code § 39-15-1165.

65. Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks was after the Asserted Trademarks acquired famousness, was intentional, and was with knowledge of the Asserted Trademarks.

66. Salt Life has been damaged as a direct and proximate result of Defendants' dilution of the Asserted Trademarks.

67. Salt Life will continue to be damaged as a direct and proximate result of Defendants' dilution of the Asserted Trademarks unless and until Defendants are enjoined from further depiction of SALT Y ADDICTION in connection with goods associated with the Asserted Trademarks.

Fourth Cause of Action: Signature Marlin Copyright Infringement

68. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

69. In approximately 2007, Steve Barber created an original graphic design shown below and hereinafter referred to as the "Signature Marlin design":

70. The Signature Marlin design is a derivative of the Asserted Trademarks and is copyrightable subject matter under the laws of the United States.

71. The Register of Copyrights has issued a certificate of registration for the Signature Marlin design, Class VA, No. 1-788-245, attached as Exhibit 29.

72. Salt Life has published the Signature Marlin design, and all copies of the Signature Marlin design made by Salt Life or under its authority or license have been published in strict conformity with the provisions of the Copyright Laws of the United States, 17 U.S.C. § 101, et seq.

73. Salt Life is the sole owner by assignment of all rights, title, and interest in and to the copyright of the Signature Marlin design.

74. Defendants have had access to Salt Life's copyrighted Signature Marlin design.

75. Defendants have distributed and/or sold in the United States shirts depicting a Salty Addiction marlin design as shown below:

76. The Salty Addiction marlin design shown above is a derivative copy of Salt Life's copyrighted Signature Marlin design.

77. Defendants' distribution and/or sales in the United States of the Salty Addiction marlin design without authorization from Salt Life infringes Salt Life's copyrighted Signature Marlin design.

78. Salt Life has notified Defendants of the infringement of Salt Life's copyrighted Signature Marlin design.

79. Defendants' acts of infringement were committed willfully and with actual or constructive knowledge of Salt Life's copyright in the Signature Marlin design.

Fifth Cause of Action: Salt Life Palm Tree Copyright Infringement

80. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

81. In approximately 2007, Steve Barber created an original graphic design shown below and hereinafter referred to as the "Salt Life Palm Tree design":

82. The Salt Life Palm Tree design is a derivative of the Asserted Trademarks and is copyrightable subject matter under the laws of the United States.

83. The Register of Copyrights has issued a certificate of registration for the Signature Marlin design, Class VA, No. 1-788-243, attached as Exhibit 30.

84. Salt Life has published the Salt Life Palm Tree design, and all copies of the Salt Life Palm Tree design made by Salt Life or under its authority or license have been published in

strict conformity with the provisions of the Copyright Laws of the United States, 17 U.S.C. § 101, et seq.

85. Salt Life is the sole owner by assignment of all rights, title, and interest in and to the copyright of the Salt Life Palm Tree design.

86. Defendants have had access to Salt Life's copyrighted Salt Life Palm Tree design.

87. Defendants have distributed and/or sold in the United States shirts depicting a Salty Addiction palm tree design as shown below:

88. The Salty Addiction palm tree design shown above is a derivative copy of Salt Life's copyrighted Salt Life Palm Tree design.

89. Defendants' distribution and/or sales in the United States of the Salty Addiction palm tree design without authorization from Salt Life infringes Salt Life's copyrighted Salt Life Palm Tree design.

90. Salt Life has notified Defendants of the infringement of Salt Life's copyrighted Salt Life Palm Tree design.

91. Defendants' acts of infringement were committed willfully and with actual or constructive knowledge of Salt Life's copyright in the Salt Life Palm Tree design.

Sixth Cause of Action: Unfair Trade Practices

92. Salt Life incorporates by reference the preceding allegations as if repeated here verbatim.

93. Defendants' infringement and false designation of origin associated with the Asserted Trademarks and infringement associated with Salt Life's registered copyrights constitute an unfair trade practice in violation of S.C. Code § 39-5-10, et seq.

94. Salt Life has been damaged as a direct and proximate result of Defendants' unfair trade practices associated with the Asserted Trademarks and asserted copyrights.

95. Salt Life will continue to be damaged as a direct and proximate result of Defendants' unfair trade practices associated with the Asserted Trademarks unless and until Defendants are enjoined from further depiction of SALT LIFE ADDICTION in connection with goods associated with the Asserted Trademarks.

96. Salt Life will continue to be damaged as a direct and proximate result of Defendants' unfair trade practices associated with the registered copyrights unless and until Defendants are enjoined from further marketing and sale of products that incorporate Salt Life's registered copyrights.

Request for Relief

Wherefore, Salt Life respectfully requests the entry of judgment against Defendants providing the following relief:

- (A) ordering that Salt Life is the exclusive owner of the Asserted Trademarks and that said trademarks are valid;
- (B) finding that Defendants have infringed Salt Life's Asserted Trademarks under 15 U.S.C. § 1114 and the common law;
- (C) finding that Defendants have infringed Salt Life's registered copyrights;
- (D) finding that Defendants have violated 15 U.S.C. § 1125(a);
- (E) finding that Defendants have violated 15 U.S.C. § 1125(c);
- (F) finding that Defendants have violated S.C. Code § 39-15-1165;
- (G) finding that Defendants have violated S.C. Code § 39-5-10, et seq.;

(H) enjoining Defendants' further depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks;

(I) enjoining Defendants' further marketing and sale of products that incorporate Salt Life's registered copyrights;

(J) ordering Defendants to deliver to Salt Life for destruction all advertisements, materials, and products that include Defendants' depiction of SALTY ADDICTION in connection with goods associated with the Asserted Trademarks;

(K) awarding Salt Life any profits obtained by Defendants associated with the acts described herein;

(L) awarding Salt Life damages caused by Defendants' acts described herein;

(M) trebling any damages awarded to Salt Life pursuant to 15 U.S.C. § 1117;

(N) awarding Plaintiff statutory damages provided by 17 U.S.C. § 504;

(O) awarding Salt Life punitive damages for Defendants' intentional acts described herein;

(P) awarding Salt Life costs, expenses, and reasonable attorneys' fees as permitted by 15 U.S.C. § 1117, 17 U.S.C. § 505, and/or S.C. Code § 39-5-140;

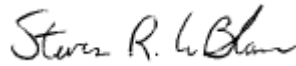
(Q) awarding Salt Life pre-judgment interest; and

(R) granting such other and further relief as is just and proper.

JURY DEMAND: Plaintiff demands a trial by jury on all issues triable to a jury.

May 26, 2015

Respectfully submitted,



Steven R. LeBlanc (Fed. Id. 7000)

Heidi C. Hood (Fed. Id. 11711)

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